IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.815 OF 2006

Aurochem Laboratories (India) Pvt.Ltd. Petitioners
vs.
The Union of India & ors. Respondents

Mr.Prakash Shah i/b.M/s.PDS Legal for the petitioners.

Mr.H.V.Mehta with Mr.Y.R.Mishra for the respondents.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 13th March, 2006

P.C.

Heard.

2. Rule. Returnable forthwith.

3. Mr.H.V.Mehta waives service for the respondents.

4. Rule is heard finally at this stage.

5. In our considered view, the matter requires re-consideration by the Appellate Authority as the communication dated 10th January, 2006 does not disclose the reasons for not waiving the pre-deposit of entire penalty.

6. We, accordingly, quash and set aside the order dated 10th January, 2006 and direct the Appellate Authority to reconsider the aspect concerning the pre-deposit in accordance with law after hearing the petitioners.

7. Rule is made absolute in the aforesaid terms.

. No costs.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)